THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No.14757 of 2006

DATED: 22.10.2007

Between:
Smt.B.Radha, w/o.B.Bheem Singh and another.

… PETITIONERS

And:
A.P.Housing Board,
Rep. by its Executive Engineer (Hg),
South Division, M.J.Road,
Hyderabad and another.

…**RESPONDENTS**

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ORDER:

The petitioners, who claim to be the daughter-in-law and mother-in-law respectively, have purchased a flat from the first respondent in 1982 under a Hire Purchase Scheme. According to the petitioners, they have purchased the first floor flat in a two storied flats complex. As there was roof leakage as also cracks in the walls, the petitioners claim to have put up RCC pillars and to have replaced the slab. They also claim to have intimated this to the first respondent. The petitioners assert that the officials of the second respondent have come over to the property and directed them to demolish the alterations and constructions made by them as these are made without obtaining due permission from the second respondent. The petitioners allege that several other owners of LIG flats in Baghlingampally area have also made constructions and alterations without any permission from the second respondent. The writ petition is filed on the premise that since the first respondent has executed conveyance of the title of the property in favour of the petitioners, the second respondent has no authority and law to interfere with the constructions made by the petitioners.

The basic assumption in the writ petition is wholly misconceived. Even if the petitioners had purchased the flats from the first respondent-Housing Board, if they seek to demolish the walls or erect pillars and put on a new slab, they are required to obtain

permission from the second respondent – the Municipal Corporation. Any constructions made by the petitioners without permission from the second respondent would be illegal and unauthorized and would be liable for demolition. There can be no interdiction by this Court of the lawful steps taken by the second respondent to demolish unauthorized constructions.

On the aforesaid analysis, the writ petition is misconceived and is accordingly dismissed. No costs.

GODA RAGHURAM,J

Date: 22.10.2007
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